

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION**

SCOTT STERN,

Plaintiff

v.

**MARY STERN, GARY MATTESON,
and EVAN EHMANN,**

Defendants.

Civil Action No. 05-30082

**MOTION TO DISMISS COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)**

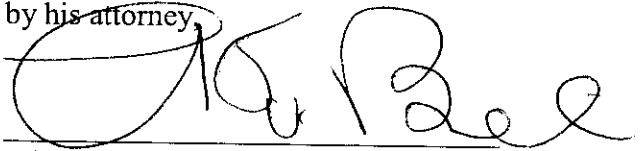
Defendant Gary Matteson ("Matteson"), one of the defendants in the above-titled complaint, for himself only, and separately from the remaining defendants named herein, moves the Court:

1. To dismiss six out of the seven causes of action in the complaint alleged against this defendant (the 2nd, 6th, 8th, 10th, 18th, and 21st), pursuant to Fed. R. Civ. P. 12(b)(1), on the ground that the Court is without jurisdiction over the subject matter of the complaint, in that the matters set forth in the complaint are insufficient to show that any substantial federal question is involved, and plaintiff's complaint plainly sets forth claims for relief under state law; and
2. To dismiss, with prejudice, the 10th, 12th, and 18th causes of action in the complaint alleged against this defendant, pursuant to Fed. R. Civ. P. 12(b)(6), on the ground that the same fails to state any claim against this defendant upon which relief can be granted, and to dismiss this defendant from the action.

In support of Matteson's motion to dismiss, a Memorandum is attached.

Dated: 9/8/05

Respectfully submitted,
GARY MATTESON, defendant,
by his attorney,

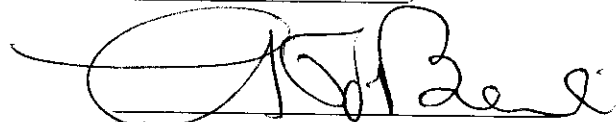


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Certificate of Service

I hereby certify that a true copy of the above document was served upon each party appearing pro se and the attorney of record for each other party by mail on 9/8, 2005.

Dated: 9/8/05


Edward F. Berlin